UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

FREDERICK JOYNER,
Plaintiff-Appellant,

v.

EDGECOMBE COUNTY JAIL; HERITAGE HOSPITAL, Emergency Room;

No. 99-6784

EDGECOMBE COUNTY DISTRICT ATTORNEY, Assistant DA; NORTH CAROLINA PRISONER LEGAL SERVICES, INCORPORATED; TARBORO CLINIC, Ear, Eye, Nose Section,
Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of North Carolina, at Raleigh.
Malcolm J. Howard, District Judge.
(CA-99-26-5-H)

Submitted: January 11, 2000

Decided: February 10, 2000

Before NIEMEYER and LUTTIG, Circuit Judges,
and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Frederick Joyner, Appellant Pro Se.

OPINION

PER CURIAM:

Frederick D. Joyner appeals the district court's orders dismissing his 42 U.S.C.A. § 1983 (West Supp. 1999) action as frivolous. Finding no reversible error, we affirm.

Under § 1915A, the district court may dismiss the complaint upon a finding that it is "frivolous, malicious, or fails to state a claim upon which relief may be granted." See 28 U.S.C.A. § 1915A (West Supp. 1999). We review a district court's legal conclusions de novo. See, e.g., United States v. McManus, 23 F.3d 878, 882 (4th Cir. 1994); United States v. Rusher, 966 F.2d 868, 873 (4th Cir. 1992).

Joyner raises only one issue on appeal; he contends that the district court erred in dismissing his claim that prison officials failed to protect him from an attack by other inmates. When given an opportunity to particularize his complaint, Joyner named "Toby," a prison deputy, as the person who had actual knowledge of the potential danger to Joyner's safety, yet failed to take action to protect him. We find, however, that even accepting the facts as alleged by Joyner as true, they fail to support a legal conclusion that Toby was deliberately indifferent to a specific known risk of harm to Joyner. See Farmer v. Brennan, 511 U.S. 825, 837 (1994); Pressly v. Hutto, 816 F.2d 977, 979 (4th Cir. 1987); see also Grayson v. Peed , 195 F.3d 692, 695-97 (4th Cir. 1999) (applying deliberate indifference standard to pretrial detainee).

Accordingly, although we grant leave to proceed in forma pauperis, we affirm the orders of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED